IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17348 of 2004

Between:

Kumarapu Kalavathi @ Jammu Kalavathi, W/o Muralimohan
Fair Price shop Dealer, Dalemraju Valasa (V), G. Sigadam Mandalam, Srikakulam District

..... PETITIONER

AND

1 The District Collector, Srikakulam District Srikakulam
2 The Joint Collector, Srikakulam District Srikakulam
3 The Revenue Divisional Officer, Srikakulam, Srikakulam District
4 The Mandal Revenue Officer, G. Sigadam Mandal, Srikakulam, Srikakulam Distrct

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, Writ or Writs, particularly one in the nature of Writ of Mandamus and to set a side the orders of the 2nd respondent passed in Dis 683/2004, dt 30-8-2004 (SRA.No. 26 of 2003 SI) as illegal, arbitrary, against the principles of natural justice against the provisions of A.P. Schedule Commodities (Regulation of Distribution by Card System order1973) and Article 19(i)(g) of the Constitution of India, consequently direct the respondents to permit the petitioner to distribute the essential commodities for Dalemraju Valasa, after releasing the essential commodities

Counsel for the Petitioner: MR.VENKATESWARA RAO KADIAM

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

Petitioner is the authorised Fair Price Shop Dealer of Dalemraju Valasa village, G.Sigadam Mandal, Srikakulam District. Her authorisation was suspended pending enquiry into the alleged irregularities in distribution of the commodities vide proceedings of the third respondent- Revenue Divisional Officer, Srikakulam, dated 20.08.2004. Against the said order, she preferred an appeal before the second respondent-Joint Collector, Srikakulam, Srikakulam District. Aggrieved by the inaction on the part of the appellate authority, she filed W.P.No.15730 of 2004, which was disposed of by this Court by order, dated 02.09.2004 directing the second respondent-Joint Collector, Srikakulam, Srikakulam District to dispose of the application for stay filed by the petitioner in the appeal within a period of two weeks and also permitted the petitioner to distribute the commodities to the card holders for the month of September, 2004. It appears that in the meanwhile, the appeal preferred by one Smt. Kumarapu Savitri, challenging the appointment of the petitioner as Fair Price Shop Dealer, came up for consideration before the second respondent-Joint Collector, Srikakulam. After hearing both the parties, second respondent-Joint Collector, Srikakulam, Srikakulam District by order, dated 30.08.2004 allowed the appeal. The said order is assailed in this writ petition.

I have heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents.

Learned counsel for the petitioner vehemently contended that the appointment of the petitioner was cancelled only on the ground that she is not residing in the Dalemraju Valasa village. He points out that the said allegation is false and

without any basis and therefore, the impugned order is unsustainable and liable to be set aside.

It is to be noted that against the order of second respondent-Joint Collector, Srikakulam, dated 30.08.2004, petitioner preferred a revision and the same is pending before the first respondent-District Collector, Srikakulam.

Since, the revision is pending before the statutory authority, I am not inclined to express any opinion with regard to the allegation made against the petitioner. However, having regard to the nature of the allegation, I am of the view that the interest of justice would be made, if the petitioner is permitted to distribute the commodities till the disposal of the statutory revision pending before the first respondent-District Collector, Srikakulam.

Accordingly, the writ petition is disposed of with a direction to the first respondent-District Collector, Srikakulam District, Srikakulam, to dispose of the revision petition pending on his file as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till the disposal of the Revision Petition, there shall be a direction to permit the petitioner to distribute the commodities to the card holders. No costs.

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28-09-2004

klp

To

1 The District Collector, Srikakulam District Srikakulam
2 The Joint Collector, Srikakulam District Srikakulam
3 The Revenue Divisional Officer, Srikakulam, Srikakulam District
4 The Mandal Revenue Officer, G. Sigadam Mandal, Srikakulam, Srikakulam Distrct

5 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT).

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